

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

Case No. 1:25-cv-01509

OTTO ARCHIVE, LLC,

Plaintiff,

v.

PARK AND OAK DESIGN, LLC,

Defendant.

COMPLAINT

Plaintiff OTTO Archive, LLC ("Plaintiff") sues defendant Park and Oak Design, LLC ("Defendant"), and alleges as follows:

THE PARTIES

1. Plaintiff is a limited liability company organized and existing under the laws of the State of New York with its principal place of business located in New York County, New York.

2. Defendant is a limited liability company organized and existing under the laws of the State of Illinois with its principal place of business located at 499 Pennsylvania Avenue, Glen Ellyn, IL 60137. Defendant's agent for service of process is Susan Lewis, 1064 104th Street, Suite 108, Naperville, IL 60564.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has subject personal jurisdiction over Defendant because it maintained sufficient minimum contacts with this State such that the exercise of personal jurisdiction over it

would not offend traditional notions of fair play and substantial justice.

Venue properly lies in this district pursuant to 28 U.S.C. § 1400(a) because Defendant or its agents reside or may be found in this district. “A defendant in a copyright action ‘may be found’ in a district where he is subject to the district court's personal jurisdiction.” Martino v. Orchard Enters., No. 20 C 2267, 2020 U.S. Dist. LEXIS 199687, at *18 (N.D. Ill. Oct. 27, 2020); see also Store Decor Div. of Jas Int’l, Inc. v. Stylex Worldwide Indus., Ltd., 767 F. Supp. 181, 185 (N.D. Ill. 1991) (“Thus, if a court has personal jurisdiction over the defendants in a copyright infringement action, venue in that court’s district is proper.”).

FACTS

I. Plaintiff’s Business

5. Plaintiff is a global photography distribution network representing over 30 master contemporary photographers. Plaintiff licenses design, architectural and interior imagery of preeminent architects and designers. Its collection also features unique locations, landscapes, and industrial images.

6. With an unparalleled focus on customer focus and premiere imagery, Plaintiff’s commitment to clients and photographers sets it apart from other agencies.

7. Plaintiff provides the environment, business sensibilities, and experience within syndication that its clients seek as an alternative to traditional corporate agencies.

8. Plaintiff maintains a commercial website (<https://www.ottoarchive.com/>) which describes the photography services offered by Plaintiff, offers a list of the photographers it represents including a sample of some of their imagery, and invites prospective customers to contact Plaintiff to arrange for licensing

II. The Work at Issue in this Lawsuit

9. Bjorn Wallander, William Waldron, Stephen Kent Johnson, Eric Piasecki, and Roger Davies are some of the many renowned photographers represented by Plaintiff.

10. Based in New York, Mr. Wallander began his interest in photography in the small harbor town of Västervik in Southern Sweden. Mr. Wallander moved to Oslo, Norway to assist photographers like Knut Bry. He has had a history of assisting and working alongside of Brigitte Lacombe, Albert Watson, and Frederick Lieberath.

11. Mr. Wallander dedicates much of his craft to the portrait and interior photography, and over the last decade has contributed to publications including Architectural Digest, Elle Décor, Harper's Bazaar, WSJ Magazine, Vogue Brazil, Casa Vogue, Man of the World, Departures, Veranda, Martha Stewart, Oprah, House Beautiful, New York Magazine, Flaunt, Dwell, and Real Simple. He has also shot for Ralph Lauren, American Express, Tribeca Film Festival, Thompson Hotels, Shelborne Hotel, Wedgwood, Infiniti and Pottery Barn.

12. Mr. Waldron is a professional photographer who resides in New York City and the Hudson Valley. He has been a passionate photographer since childhood and spent his spare time in a basement darkroom. Mr. Waldron was educated at the University of Minnesota and the Brooks Institute of Photography in Santa Barbara, California. He moved to New York in 1981 determined to work for the legendary photographer Art Kane. After some years working as a photo assistant in New York, in 1985 he traveled to northern Mexico and photographed both Tarahumara Indians and the Mennonites of Chihuahua. Returning to New York with a determination to earn a living taking photographs, his pictures began to draw assignments from influential magazines and commercial clients in the United States and Europe. Cultivating a keen interest in interior spaces, Mr. Waldron became an internationally known interiors photographer. His work regularly appears

in magazines such as *Elle Decor*, *Architectural Digest*, *Vogue*, *The New York Times*, and *Vanity Fair* amongst many others. Mr. Waldron's personal work is largely concerned with the vernacular forms of the inhabited landscape, and the inherently sensuous nature of quietude. His photographs often contemplate the quiet and occasionally lonely spaces of introspection and illustrate his idea that the height of beauty invariably contains a hint of melancholy. Mr. Waldron's work is in numerous private and corporate collections.

13. Based in New York, Mr. Johnson began his career as an art director with Martha Stewart Living and *Everyday Food*. He later transitioned to photography after being on sets for photoshoots and his lifelong interest in images. Today, Mr. Johnson is an accomplished interior design photographer as well as a travel, food, still life, and commercial photographer. His photographs appear frequently in publications such as *Architectural Digest*, *Bon Appetit*, *Conde Nast Traveler*, *Dwell*, *Elle Décor*, *Gather Journal*, *New York Magazine*, and *WSJ Magazine*. He also shoots for many architects, interior designers, and hotels.

14. Mr. Piasecki is a Cape Cod native who is based in New Mexico and New York City. He contributes regularly to *Elle Decor*, *Architectural Digest*, *House Beautiful*, among other magazines nationally and internationally. Advertising clients include Shade Store, Marriott Hotels, Williams Sonoma, Cowtan and Tout, Sub Zero/Wolf and others.

15. Mr. Piasecki has photographed monographs for designer/architects Peter Pennoyer and Katie Ridder, Steven Gambrel, Juan Montoya, Thom Filicia, Cullman & Kravis, and Timothy Corrigan. His work can be appreciated in two design Books: "*The New Naturalists: Inside the Homes of Creative Collectors*", and "*More is More: Memphis, Maximalism, and New Wave Design*". It can also be found regularly in *Architectural Digest*, *Clever and Domino*, *Dwell*, *Wallpaper**, and *Elle Décor*.

16. Mr. Davies is an English born photographer living in Los Angeles. Mr. Davies specializes in shooting interiors and portraits for editorial, private, and commercial assignments. His first monograph, *Beyond the Canyon: Inside Epic California Homes*, was published by Monacelli and is a collection of homes photographed all over California. From Elton John and David Furnish's art-filled Hollywood residence to Mark Haddawy's cabin in the cliffs of Big Sur, the book showcases California design at its best. With a foreword by Drew Barrymore, the book is filled with images of projects by John Lautner, Tadao Ando, Michael Smith, and more, scattered throughout with inside stories from a photographer's point of view.

A. The First Photograph

17. Mr. Wallander created a professional photograph titled "OT1251553" (the "First Photograph"). A copy of the First Photograph is displayed below:



18. The First Photograph was registered by Mr. Wallander with the Register of Copyrights on October 21, 2020 and was assigned Registration No. VA 2-230-262. A true and

correct copy of the Certificate of Registration pertaining to First Photograph is attached hereto as **“Exhibit A.”**

B. The Second Photograph, the Third Photograph, the Fourth Photograph, and the Fifth Photograph

19. Mr. Wallander created a professional photograph titled “OT1152068” (the “Second Photograph”). A copy of the Second Photograph is displayed below:



20. Mr. Wallander created a professional photograph titled “OT1123180” (the “Third Photograph”). A copy of the Third Photograph is displayed below:



21. Mr. Wallander created a professional photograph titled “OT1252169” (the “Fourth Photograph”). A copy of the Fourth Photograph is displayed below:



22. Mr. Wallander created a professional photograph titled “OT1123211” (the “Fifth Photograph”). A copy of the Fifth Photograph is displayed below:



23. The Second Photograph, the Third Photograph, the Fourth Photograph, and the Fifth Photograph were registered by Mr. Wallander with the Register of Copyrights on February 25, 2022 and were assigned Registration No. VA 2-293-664. A true and correct copy of the Certificate of Registration pertaining to the Second Photograph, the Third Photograph, the Fourth Photograph, and the Fifth Photograph, is attached hereto as “**Exhibit B.**”

C. The Sixth Photograph

24. Mr. Waldron created a professional photograph titled “OT1209346” (the “Sixth Photograph”). A copy of the Sixth Photograph is displayed below:



25. The Sixth Photograph was registered by Mr. Waldron with the Register of Copyrights on September 22, 2021 and was assigned Registration No. VA 2-270-525. A true and correct copy of the Certificate of Registration pertaining to the Sixth Photograph is attached hereto as “Exhibit C.”

D. The Seventh Photograph

26. Mr. Waldron created a professional photograph titled “OT2159305” (the “Seventh Photograph”). A copy of the Seventh Photograph is displayed below:



27. The Seventh Photograph was registered by Mr. Waldron with the Register of Copyrights on September 13, 2022 and was assigned Registration No. VA 2-319-445. A true and correct copy of the Certificate of Registration pertaining to the Seventh Photograph is attached hereto as **Exhibit “D.”**

E. The Eighth Photograph

28. Mr. Waldron created a professional photograph titled “OT2159819” (the “Eighth Photograph”). A copy of the Eighth Photograph is displayed below:



29. The Eighth Photograph was registered by Mr. Waldron with the Register of Copyrights on January 30, 2024 and was assigned Registration No. VA 2-389-353. A true and correct copy of the printout of the Certificate of Registration pertaining to the Eighth Photograph is attached hereto as **Exhibit “E.”**

F. The Ninth Photograph and the Tenth Photograph

30. Mr. Johnson created a professional photograph titled “OT1280626” (the “Ninth Photograph”). A copy of the Ninth Photograph is displayed below:



31. Mr. Johnson created a professional photograph titled “OT1279472” (the “Tenth Photograph”). A copy of the Tenth Photograph is displayed below:



32. The Ninth Photograph and the Tenth Photograph were registered by Mr. Johnson with the Register of Copyrights on September 22, 2021 and were assigned Registration No. VA 2-270-516. A true and correct copy of the Certificate of Registration pertaining to the Ninth Photograph and the Tenth Photograph is attached hereto as Exhibit “F.”

G. The Eleventh Photograph

33. Mr. Johnson created a professional photograph titled “OT2138621” (the “Eleventh Photograph”). A copy of the Eleventh Photograph is displayed below:



34. The Eleventh Photograph was registered by Mr. Johnson with the Register of Copyrights on June 17, 2022 and was assigned Registration No. VA 2-306-600. A true and correct copy of the Certificate of Registration pertaining to the Eleventh Photograph is attached hereto as **Exhibit “G.”**

H. The Twelfth Photograph

35. Mr. Johnson created a professional photograph titled “OT1186457” (the “Twelfth Photograph”). A copy of the Twelfth Photograph is displayed below:



36. The Twelfth Photograph was registered by Mr. Johnson with the Register of Copyrights on January 27, 2025 and was assigned Registration No. VA 2-430-923. A true and correct copy of the printout of the Certificate of Registration pertaining to the Twelfth Photograph is attached hereto as **Exhibit “H.”**

I. The Thirteenth Photograph and the Fourteenth Photograph

37. Mr. Piasecki created a professional photograph titled “OT1116113” (the “Thirteenth Photograph”). A copy of the Thirteenth Photograph is displayed below:



38. Mr. Piasecki created a professional photograph titled “OT1116116” (the “Fourteenth Photograph”). A copy of the Fourteenth Photograph is displayed below:



39. The Thirteenth Photograph and the Fourteenth Photograph were registered by Mr. Piasecki with the Register of Copyrights on January 13, 2022 and were assigned Registration No. VA 2-285-355. A true and correct copy of the Certificate of Registration pertaining to the Thirteenth Photograph and the Fourteenth Photograph is attached hereto as **Exhibit “I.”**

J. The Fifteenth Photograph

40. Mr. Piasecki created a professional photograph titled “OT266615” (the “Fifteenth Photograph”). A copy of the Fifteenth Photograph is displayed below:



41. The Fifteenth Photograph was registered by Mr. Piasecki with the Register of Copyrights on December 17, 2021 and was assigned Registration No. VA 2-280-266. A true and correct copy of the Certificate of Registration pertaining to the Fifteenth Photograph is attached hereto as **Exhibit “J.”**

K. The Sixteenth Photograph

42. Mr. Piasecki created a professional photograph titled “OT1189789” (the “Sixteenth Photograph”). A copy of the Sixteenth Photograph is displayed below:



43. The Sixteenth Photograph was registered by Mr. Piasecki with the Register of Copyrights on January 23, 2023 and was assigned Registration No. VA 2-336-415. A true and correct copy of the Certificate of Registration pertaining to the Sixteenth Photograph is attached hereto as **Exhibit “K.”**

L. The Seventeenth Photograph

44. Mr. Davies created a professional photograph titled “OT1284590” (the “Seventeenth Photograph”). A copy of the Seventeenth Photograph is displayed below:



45. The Seventeenth Photograph was registered by Mr. Davies with the Register of Copyrights on June 6, 2022 and was assigned Registration No. VA 2-305-214. A true and correct copy of the Certificate of Registration pertaining to the Seventeenth Photograph is attached hereto as **Exhibit “L.”**

M. The Eighteenth Photograph

46. Mr. Davies created a professional photograph titled “OT1240809” (the “Eighteenth Photograph”). A copy of the Eighteenth Photograph is displayed below:



47. The Eighteenth Photograph was registered by Mr. Davies with the Register of Copyrights on August 26, 2021 and was assigned Registration No. VA 2-269-757. A true and correct copy of the Certificate of Registration pertaining to the Eighteenth Photograph is attached hereto as **Exhibit “M.”**

N. The Nineteenth Photograph

48. Mr. Davies created a professional photograph titled “OT1240034” (the “Nineteenth Photograph”). A copy of the Nineteenth Photograph is displayed below:



49. The Nineteenth Photograph was registered by Mr. Davies with the Register of Copyrights on August 26, 2021 and was assigned Registration No. VA 2-267-916. A true and correct copy of the Certificate of Registration pertaining to the Nineteenth Photograph is attached hereto as **Exhibit “N.”**

50. The First Photograph, the Second Photograph, the Third Photograph, the Fourth Photograph, the Fifth Photograph, the Sixth Photograph, the Seventh Photograph, the Eighth Photograph, the Ninth Photograph, the Tenth Photograph, the Eleventh Photograph, the Twelfth Photograph, the Thirteenth Photograph, the Fourteenth Photograph, the Fifteenth Photograph, the

Sixteenth Photograph, the Seventeenth Photograph, the Eighteenth Photograph, and the Nineteenth Photograph are collectively referred to herein as the “Work.”

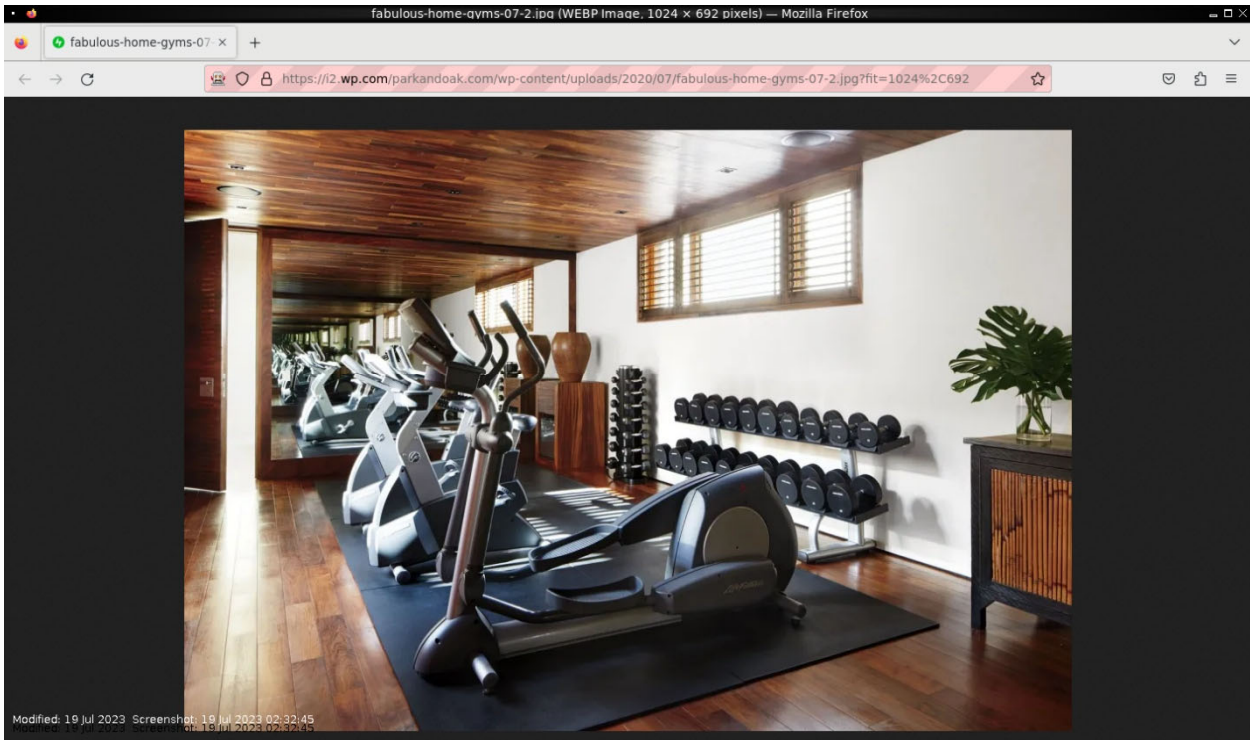
51. For all times relevant to this action, Plaintiff and the above-named photographers were parties to one or more written agreements whereby such photographers conveyed to Plaintiff certain exclusive rights in the Work, including but not limited to the exclusive right to reproduce the Work in copies and the exclusive right to distribute copies of the Work to the public by sale and/or licensing. Such written agreements likewise convey the exclusive right to pursue any infringements of the Work, whether such infringements arose prior to execution of the written agreements or thereafter. As such, Plaintiff is entitled to institute and maintain this action for copyright infringement. See 17 U.S.C. § 501(b).

III. Defendant’s Unlawful Activities

52. Defendant owns and operates an interior design studio company.

53. Defendant advertises/markets its businesses through its website (<https://parkandoak.com/>), social media (e.g., <https://www.facebook.com/parkandoakdesign>, <https://www.instagram.com/parkandoakdesign/>), and other forms of advertising.

54. In July 2020 (prior to the above-referenced copyright registration of the First Photograph), Defendant displayed and/or published the First Photograph on its website (at: <https://parkandoak.com/home-gyms/>):



PORTFOLIO ▾

ABOUT

CONTACT ▾

BLOG

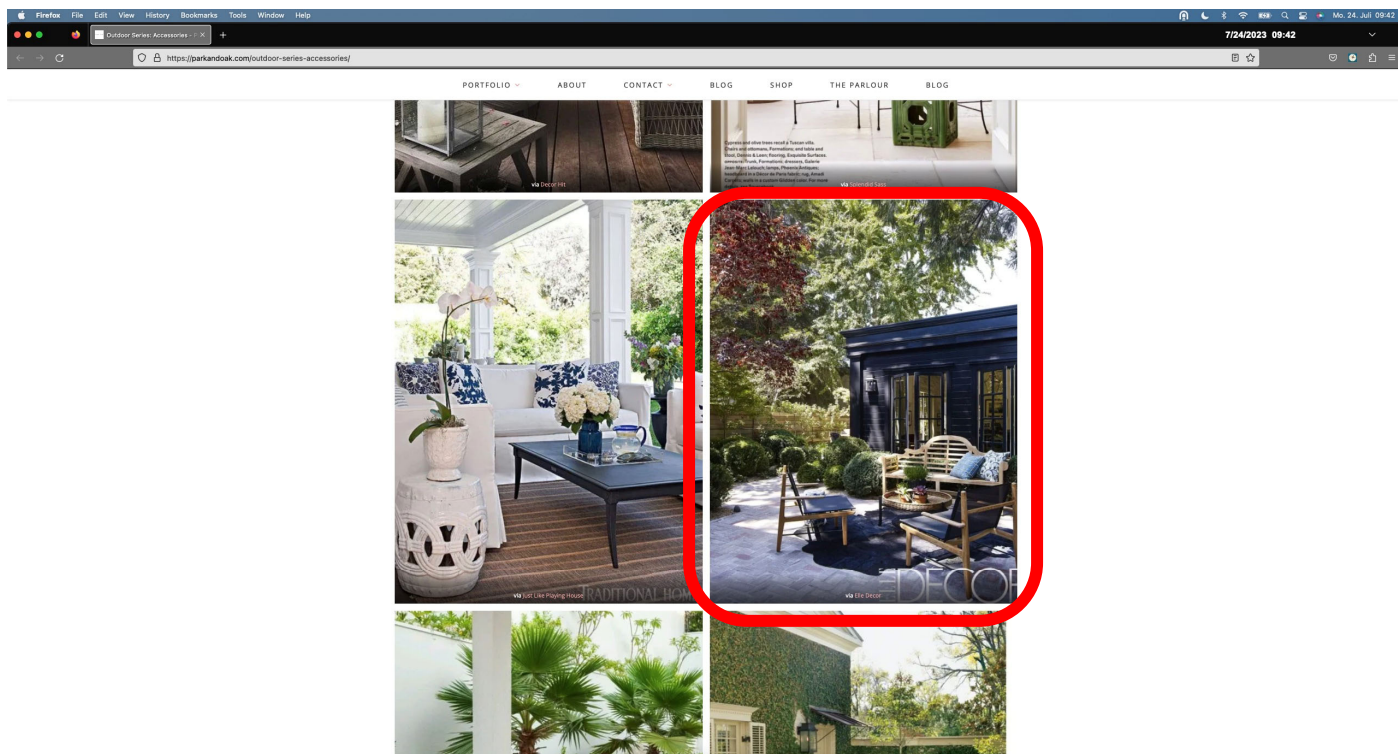
SHOP

via Room & Board



via AD

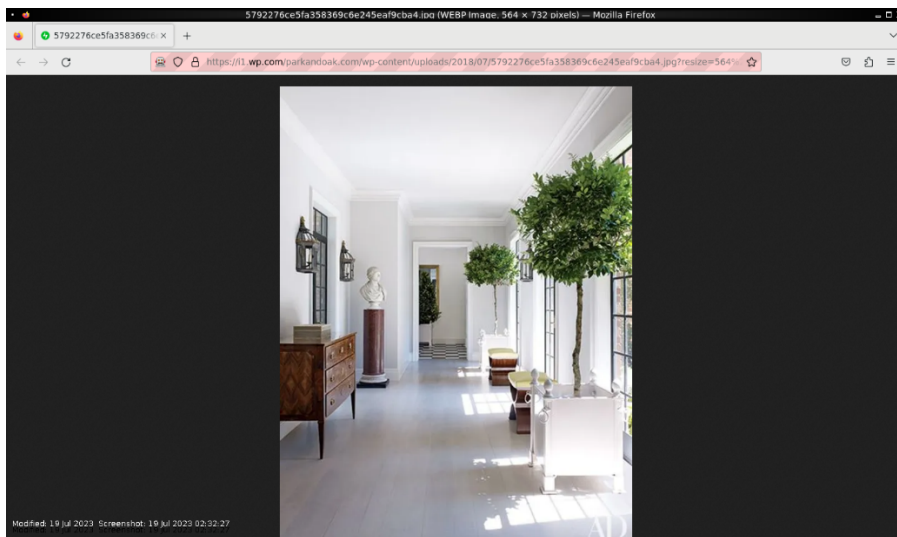
55. In March 2021 (prior to the above-referenced copyright registration of the Second Photograph), Defendant displayed and/or published the Second Photograph on its website (at: <https://parkandoak.com/outdoor-series-accessories/>):



56. In April 2018 (prior to the above-referenced copyright registration of the Third Photograph), Defendant displayed and/or published the Third Photograph on its website, web page, and/or social media (at: <https://www.instagram.com/p/Bhl9nZ7ldOH/>, <https://parkandoak.com/pergolas/>, and <https://i1.wp.com/parkandoak.com/wp-content/uploads/2018/04/cf499e2cb2003901556054a113b42334-1.jpeg?resize=480%2C579>):



57. In July 2018 (prior to the above-referenced copyright registration of the Fourth Photograph), Defendant displayed and/or published the Fourth Photograph on its website (at: <https://parkandoak.com/outdoor-series-accessories/>):



PORTFOLIO ▾

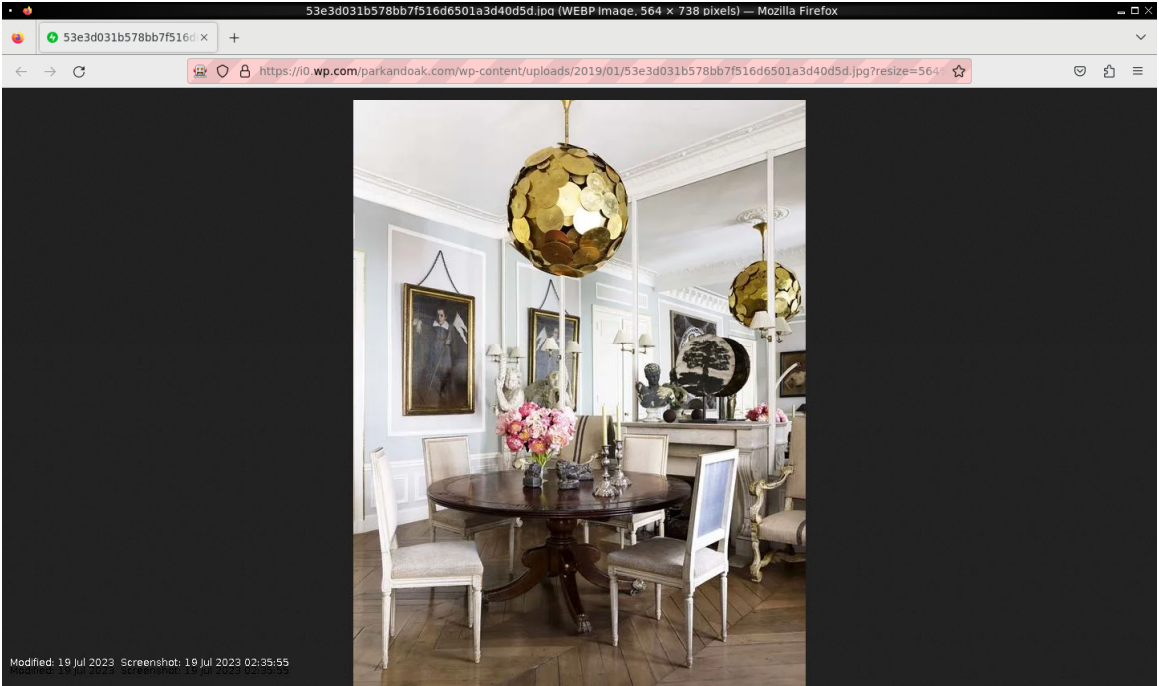
ABOUT

CONTACT ▾

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58. In January 2019 (prior to the above-referenced copyright registration of the Sixth Photograph), Defendant displayed and/or published the Fifth Photograph on its website (at: <http://parkandoak.com/the-weekly-edit-38/>):

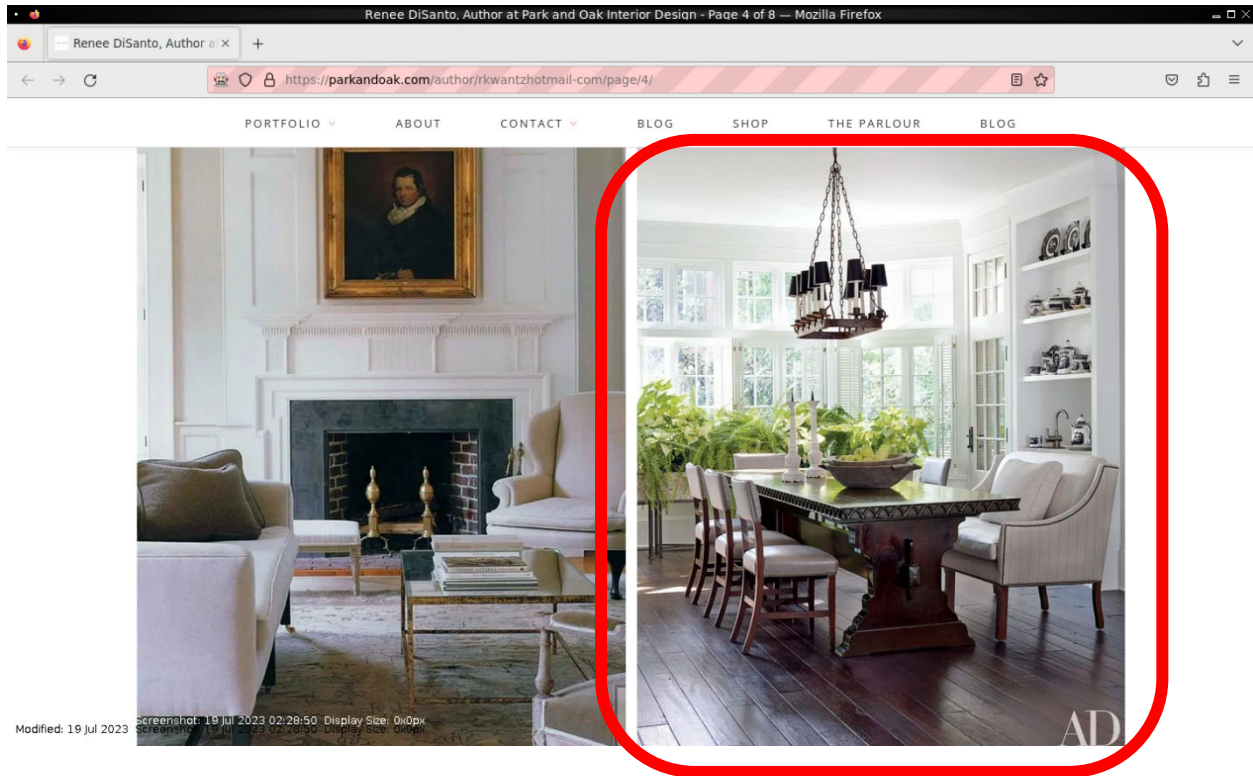


In THE WEEKLY EDIT

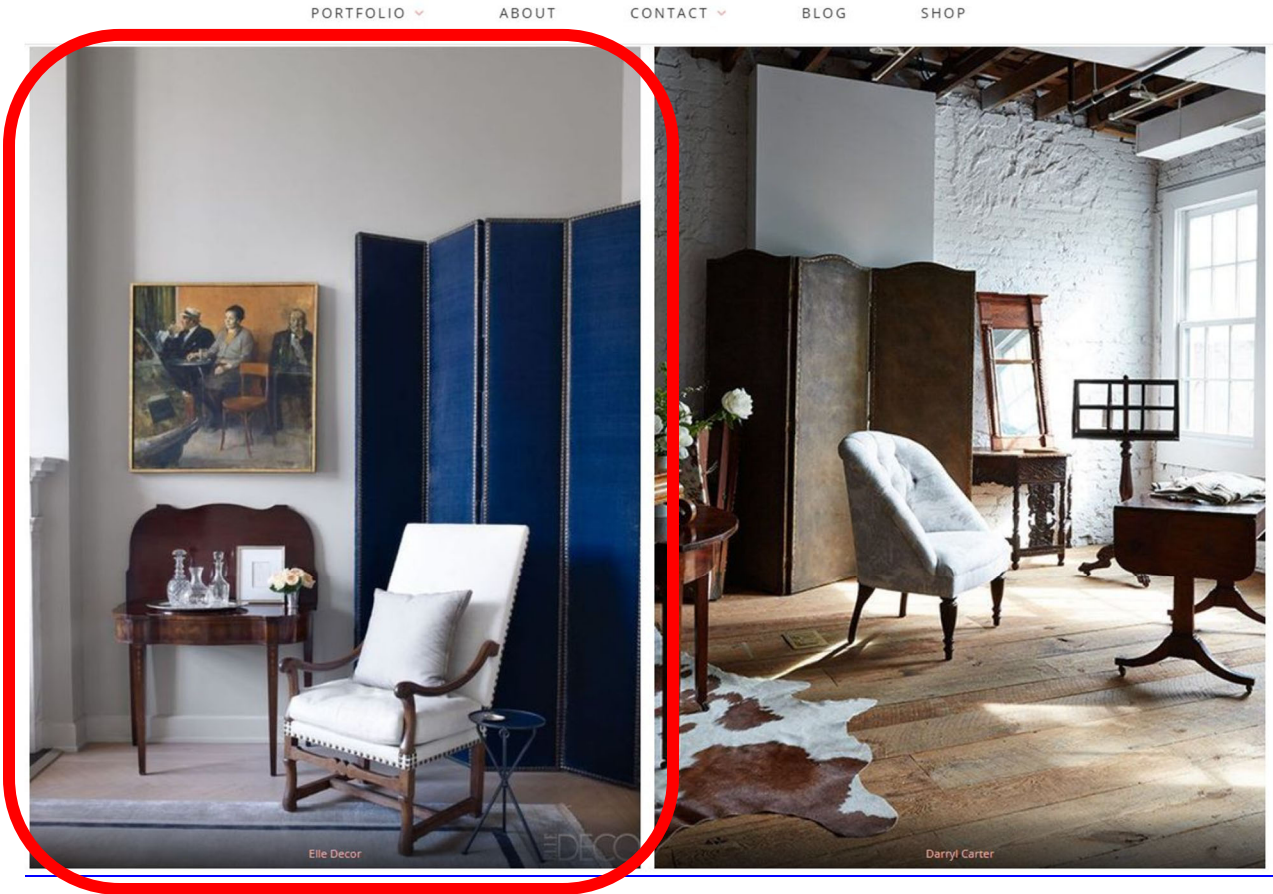
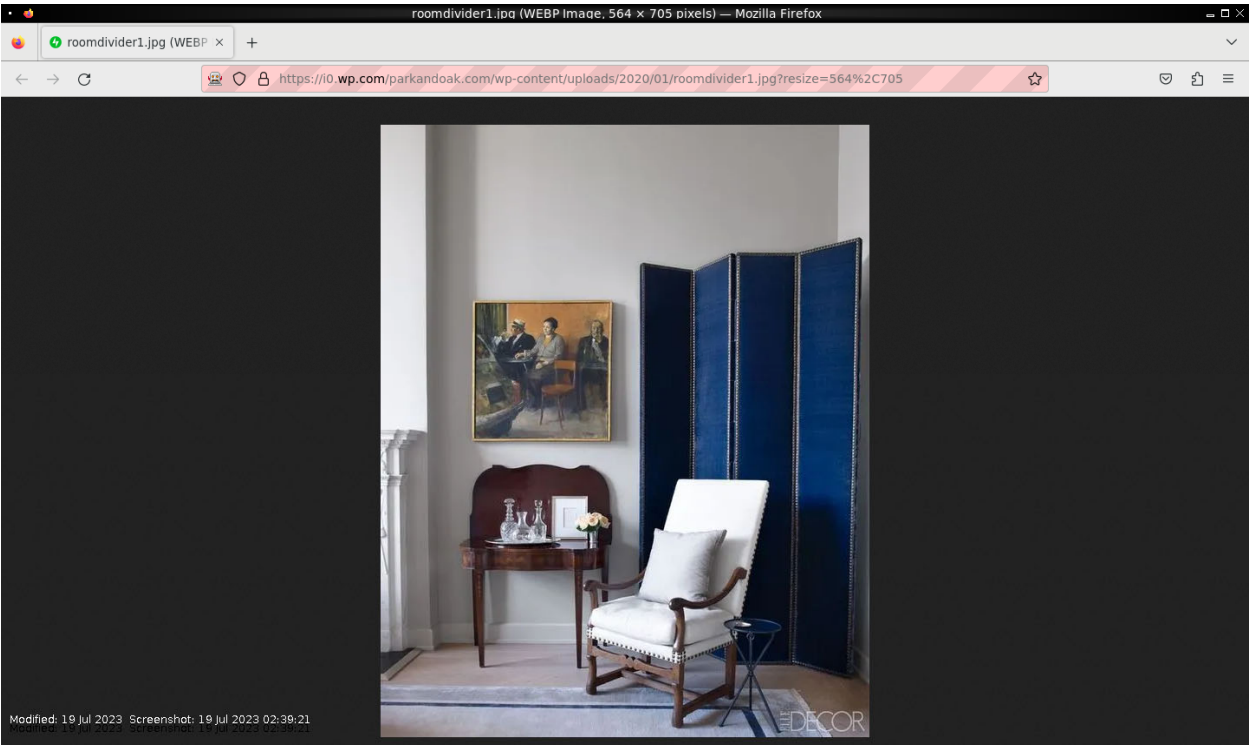
The Weekly Edit



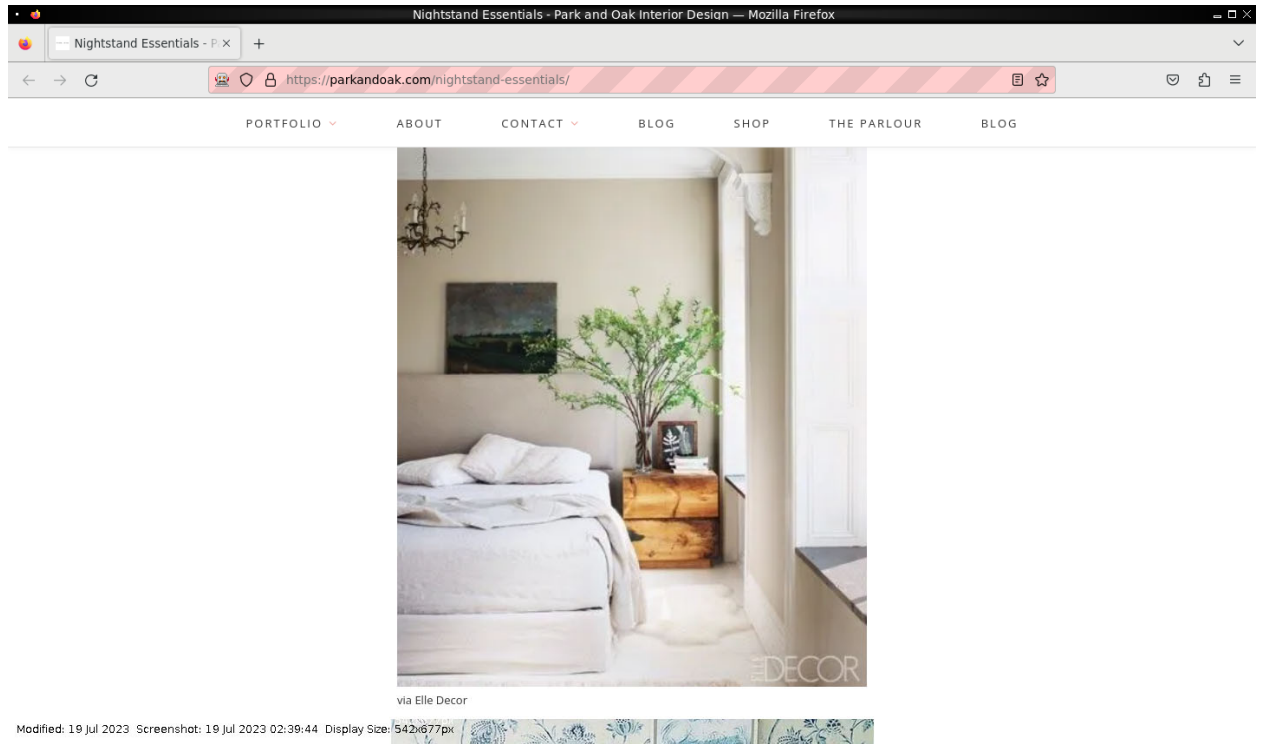
59. In July 2020 (prior to the above-referenced copyright registration of the Sixth Photograph), Defendant displayed and/or published the Sixth Photograph on its website (at: <https://parkandoak.com/author/rkwantzhotmail-com/page/4/>):



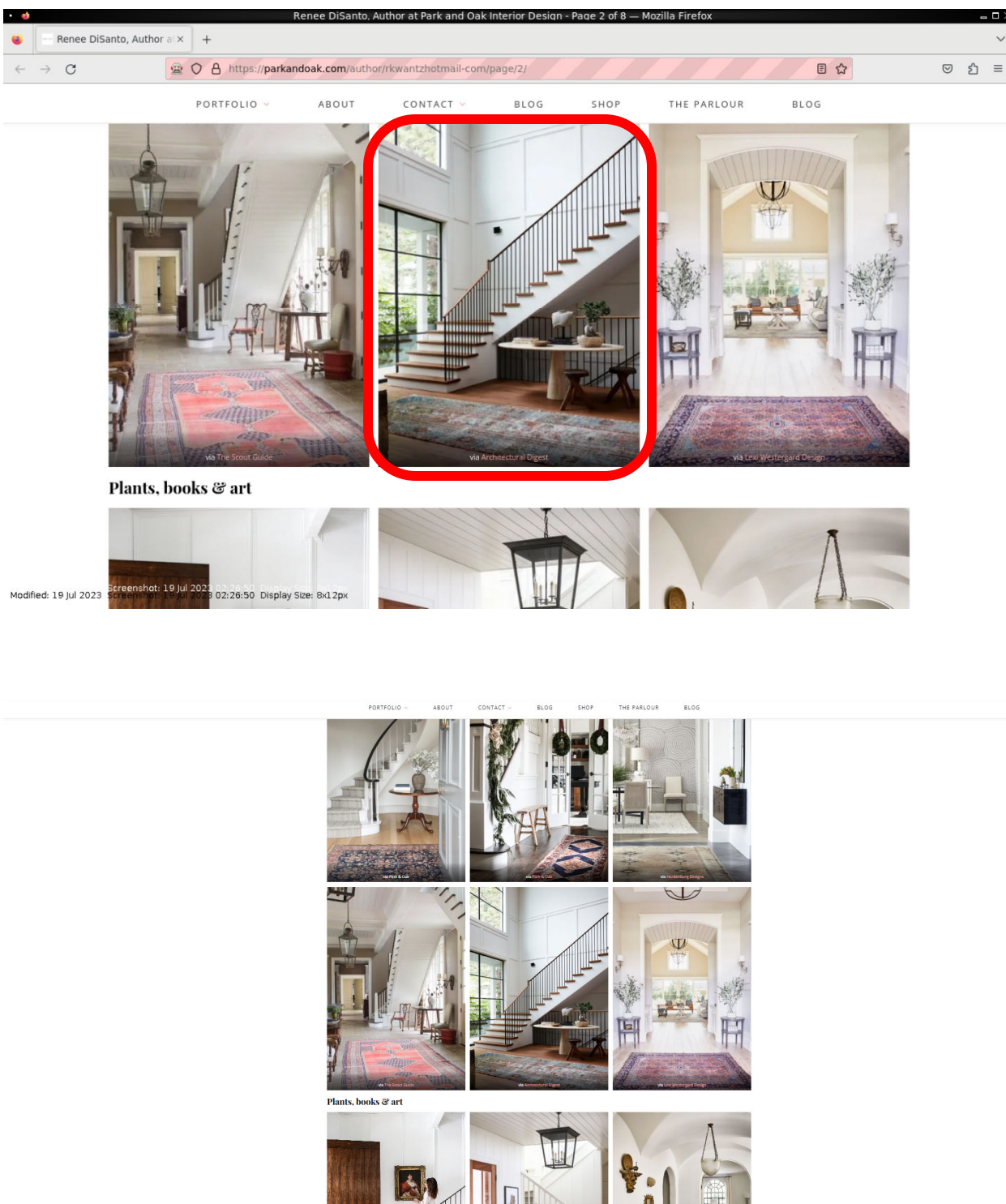
60. In January 2020 (prior to the above-referenced copyright registration of the Seventh Photograph) Defendant displayed and/or published the Seventh Photograph on its website (at <https://parkandoak.com/room-dividers/>):



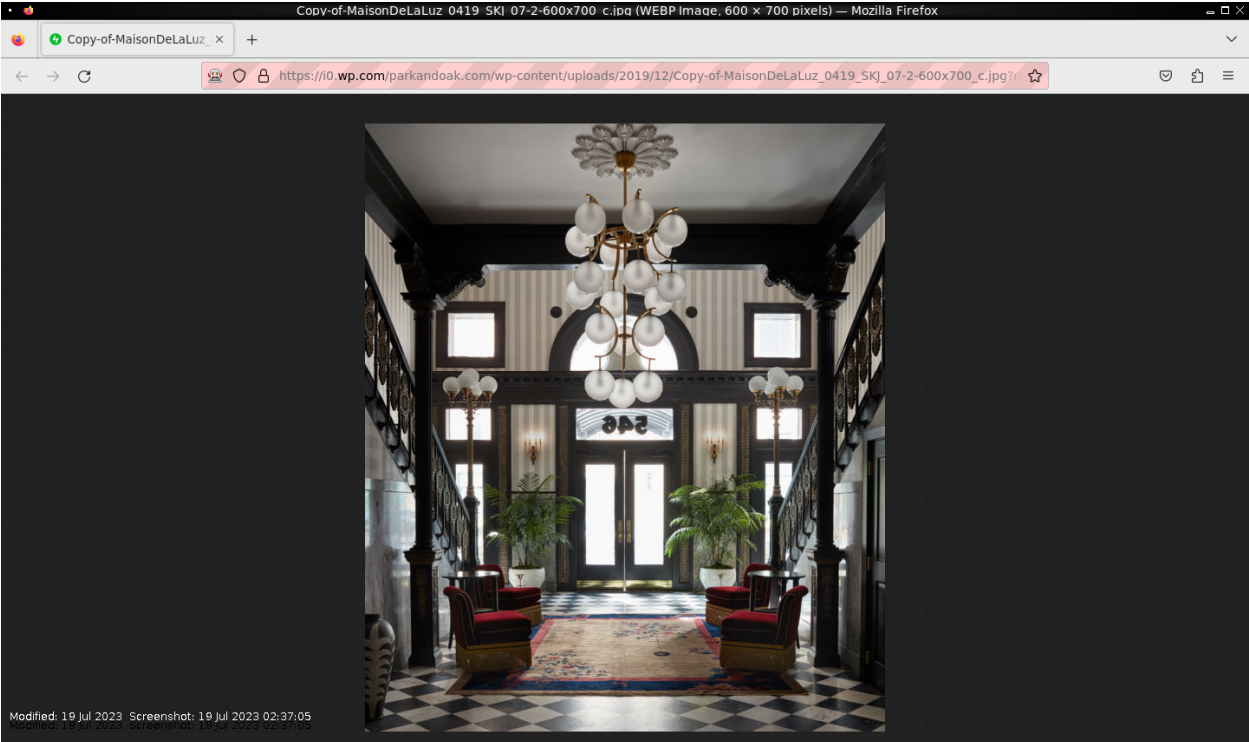
61. In July 2020 (prior to the above-referenced copyright registration of the Eighth Photograph), Defendant displayed and/or published the Eighth Photograph on its website (at <https://parkandoak.com/nightstand-essentials/>):



62. In March 2021 (prior to the above-referenced copyright registration of the Ninth Photograph), Defendant displayed and/or published the Ninth Photograph on its website (at <https://parkandoak.com/a-welcoming-entry/>, https://parkandoak.com/wp-content/uploads/2021/03/An-Entertainment-Veterans-L_A.-Ode-to-Captivating-Style-504x630.jpg, and <https://parkandoak.com/author/rkwantzhotmail-com/>):



63. In December 2019 (prior to the above-referenced copyright registration of the Tenth Photograph), Defendant displayed and/or published the Tenth Photograph on its website (at <https://parkandoak.com/winter-travel/>):

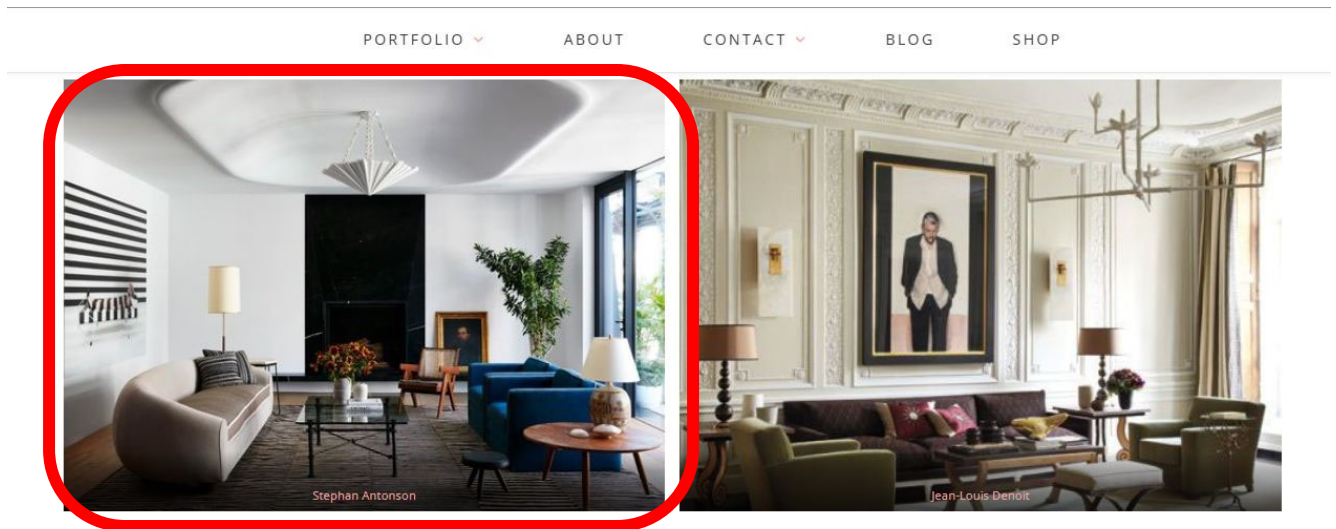
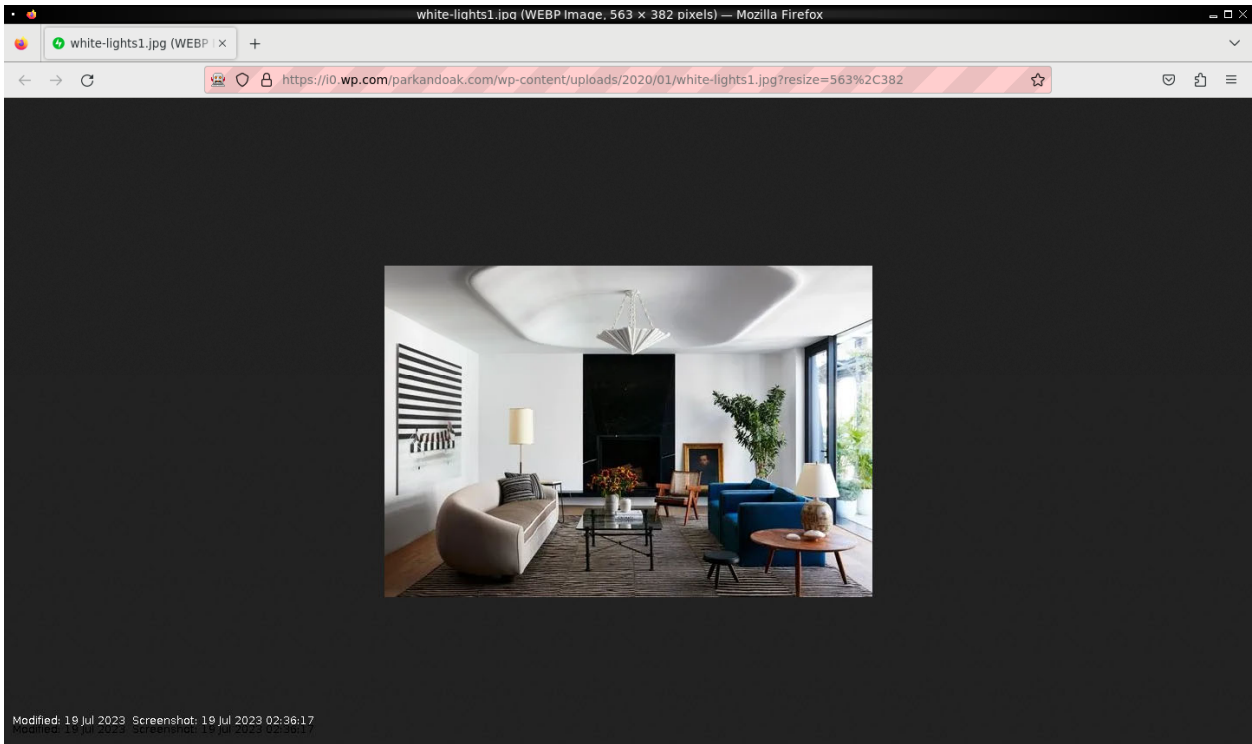


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The amazing food and endless things to do, day or night, make New Orleans a perfect place for a weekend away with friends or a significant other. Find a boutique hotel like this stunner and enjoy all that southern charm in style.

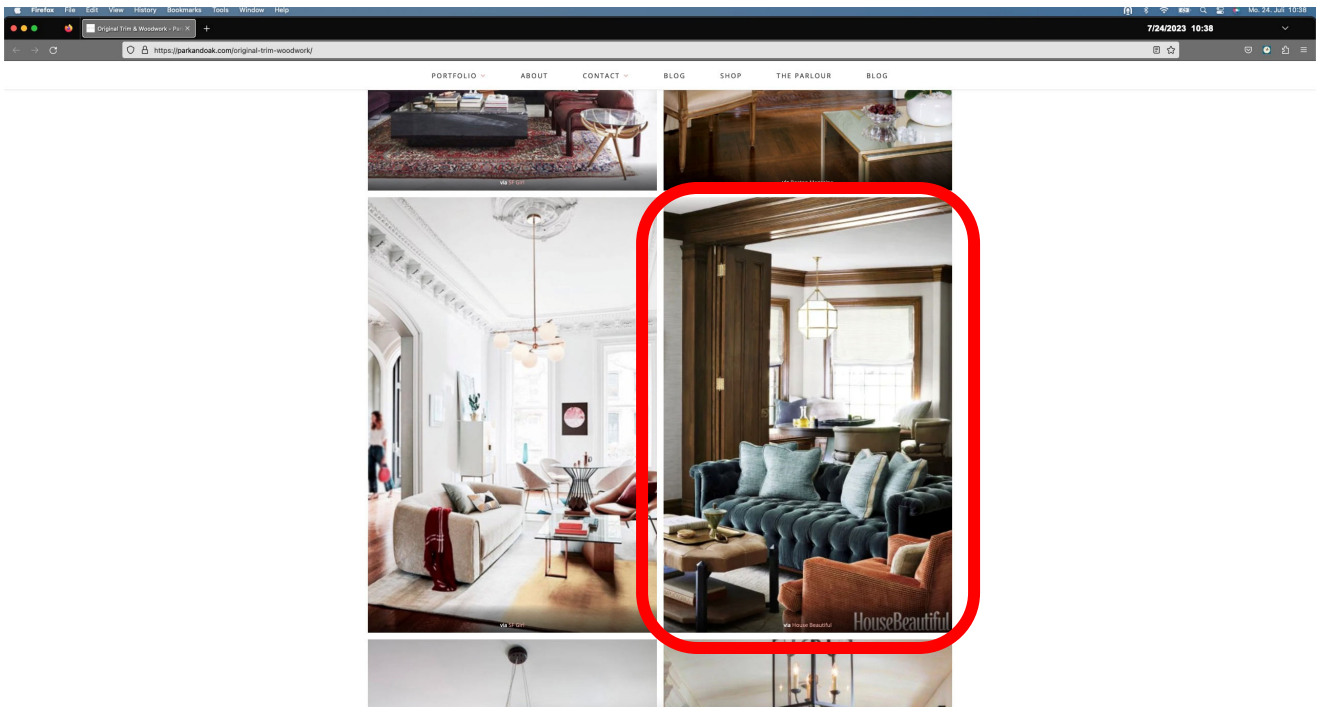


64. In January 2020 (prior to the above-referenced copyright registration of the Eleventh Photograph), Defendant displayed and/or published the Eleventh Photograph on its website (at <https://parkandoak.com/white-lights/>):

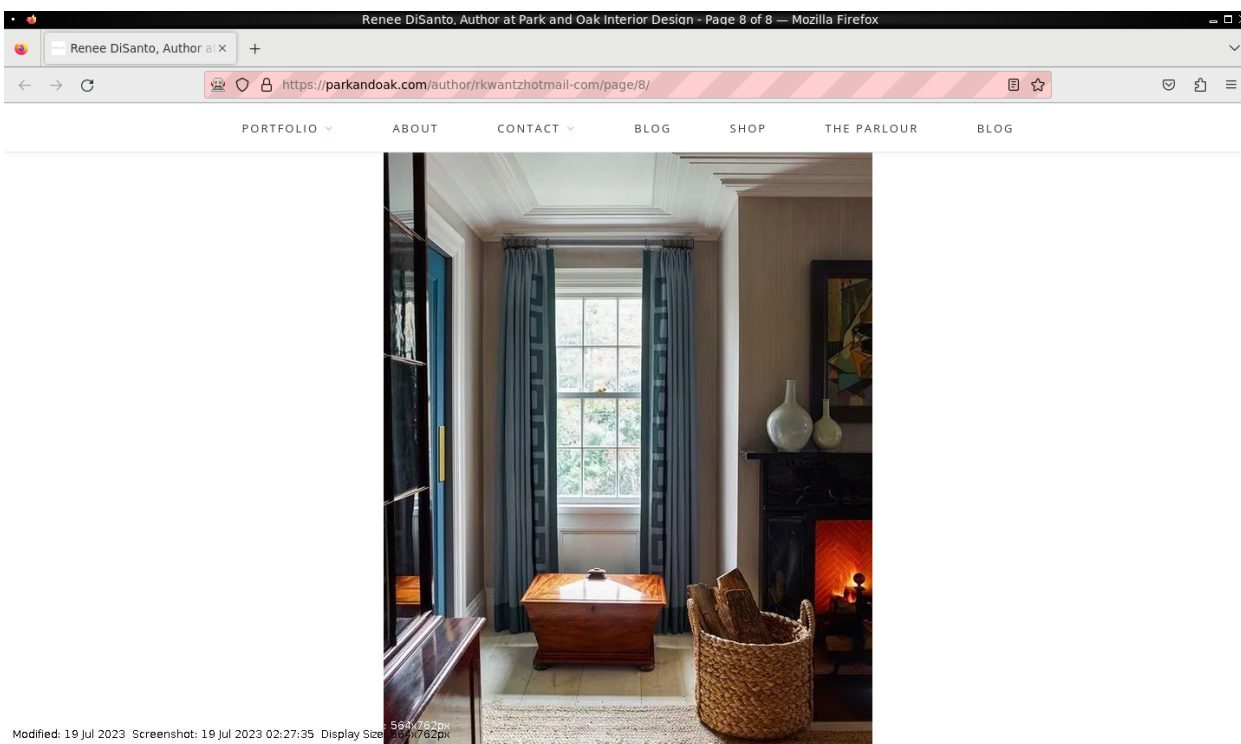


65. In August 2021 (prior to Plaintiff's above-referenced copyright registration of the

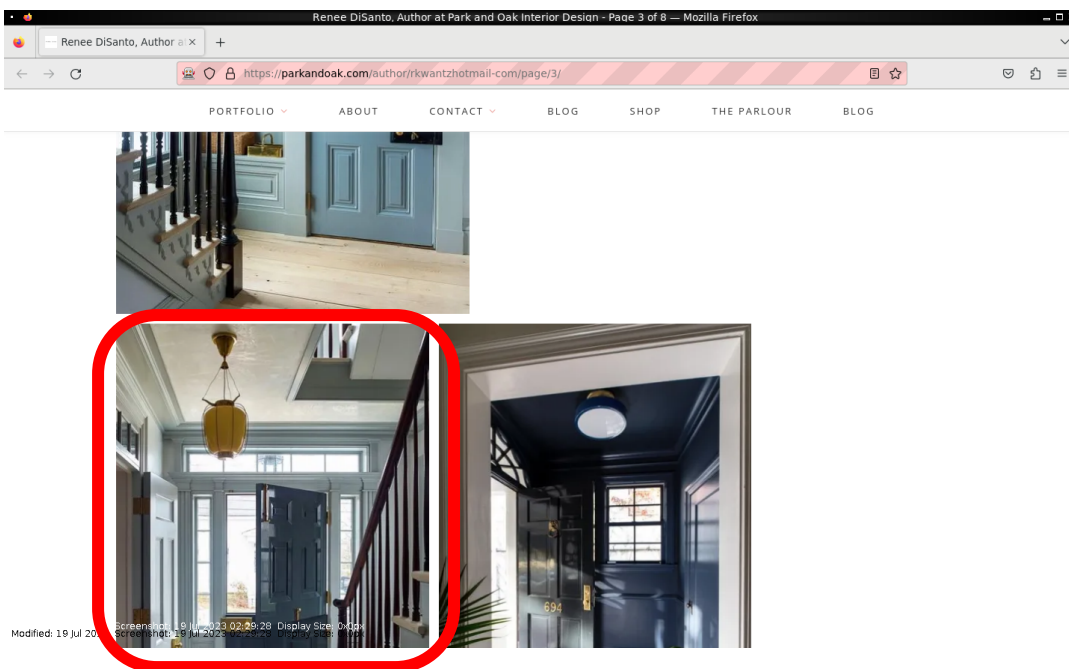
Twelfth Photograph), Defendant displayed and/or published the Twelfth Photograph on its website (at <https://parkandoak.com/original-trim-woodwork/>):

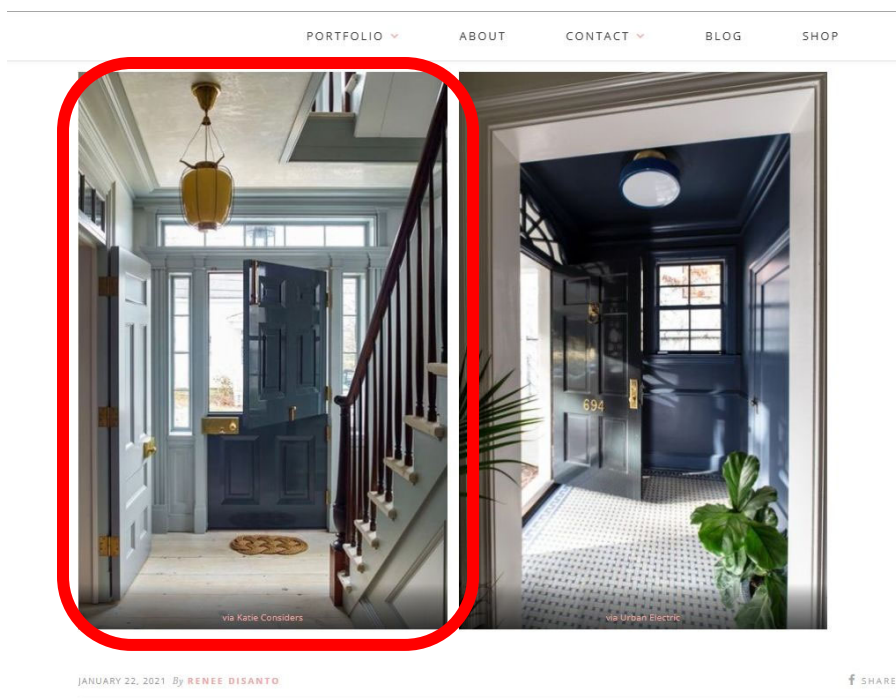


66. In January 2019 (prior to the above-referenced copyright registration of the Thirteenth Photograph), Defendant displayed and/or published the Thirteenth Photograph on its website (at <https://parkandoak.com/trim-on-drapery/>):

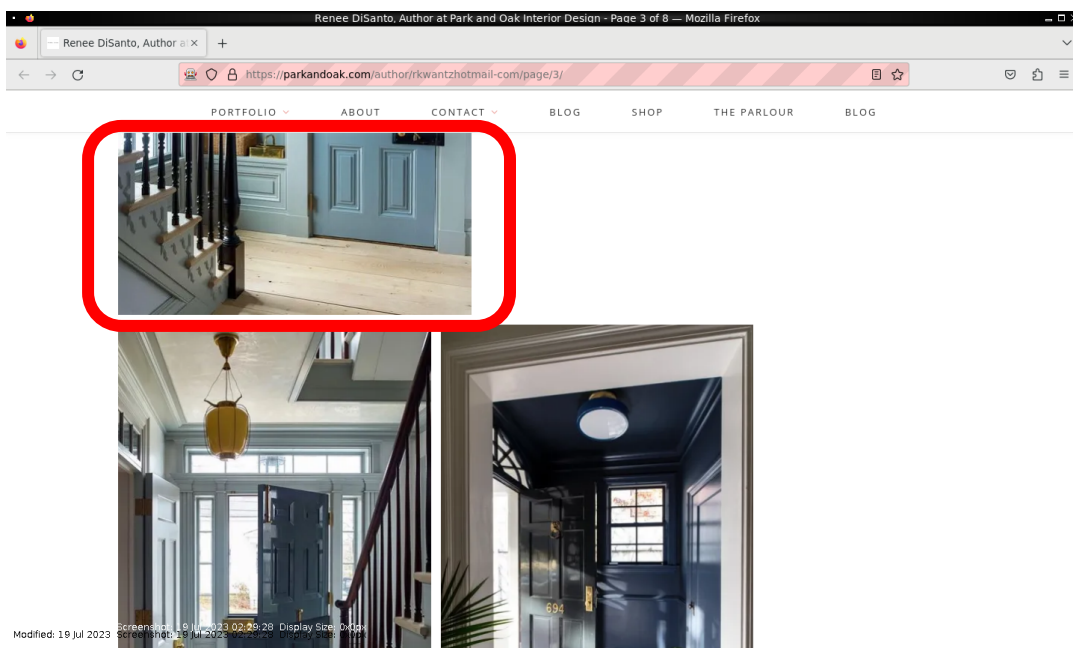


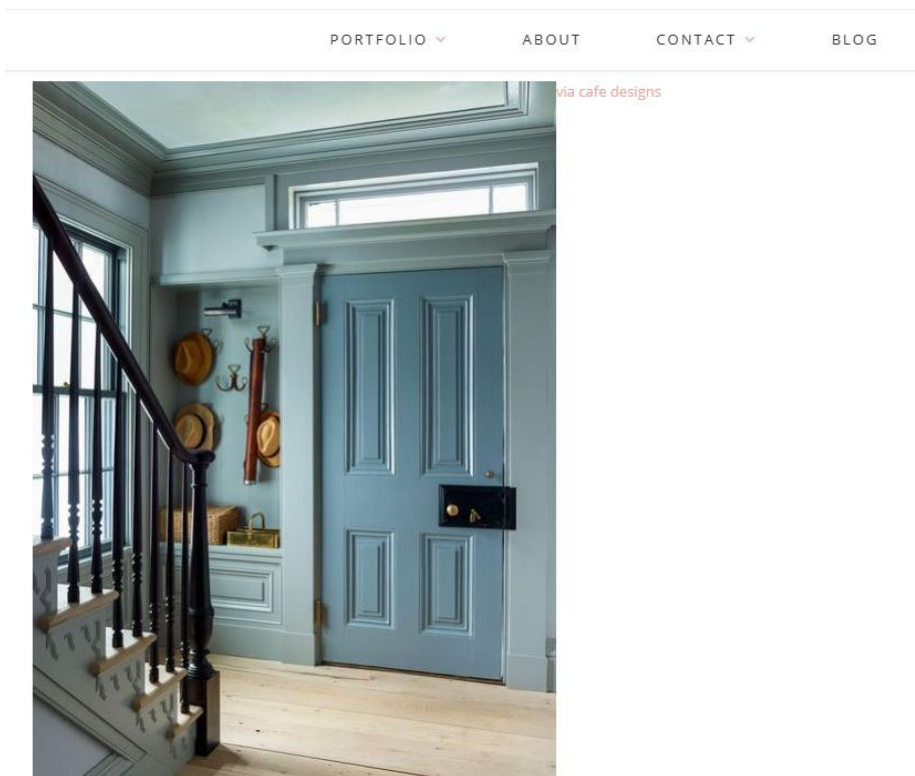
67. In January 2021 (prior to the above-referenced copyright registration of the Fourteenth Photograph), Defendant displayed and/or published the Fourteenth Photograph on its website (at <https://parkandoak.com/author/rkwantzhotmail-com/page/3/>):



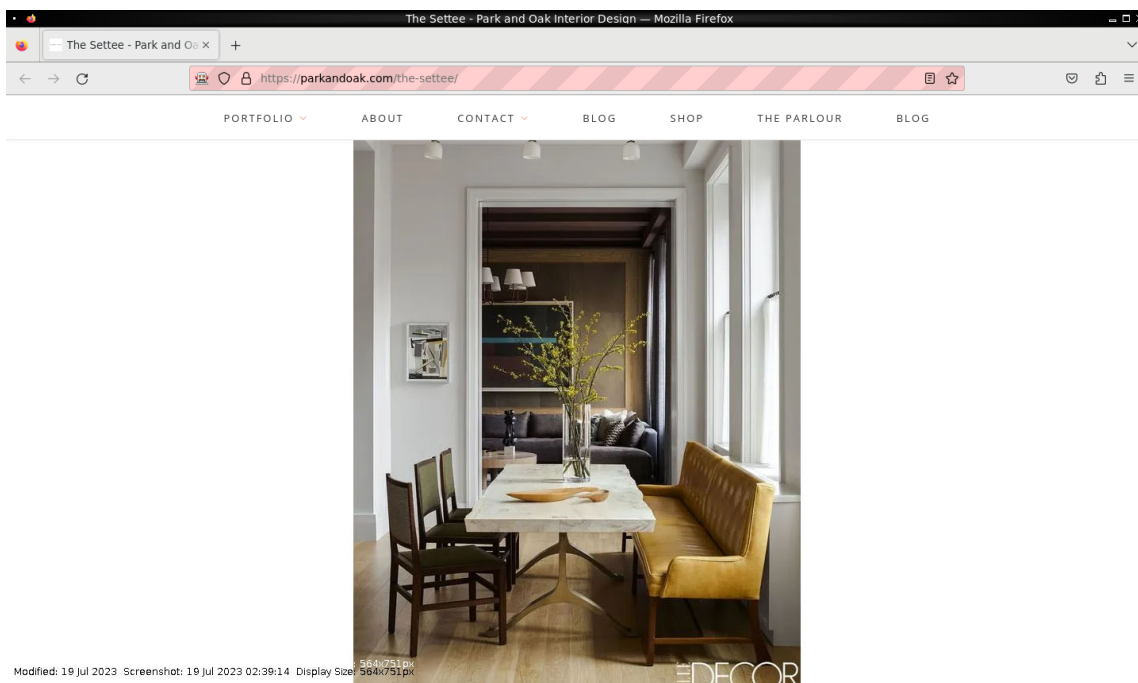


68. In January 2021 (prior to the above-referenced copyright registration of the Fifteenth Photograph), Defendant displayed and/or published the Fifteenth Photograph on its website (at <https://parkandoak.com/entry-doors/>):

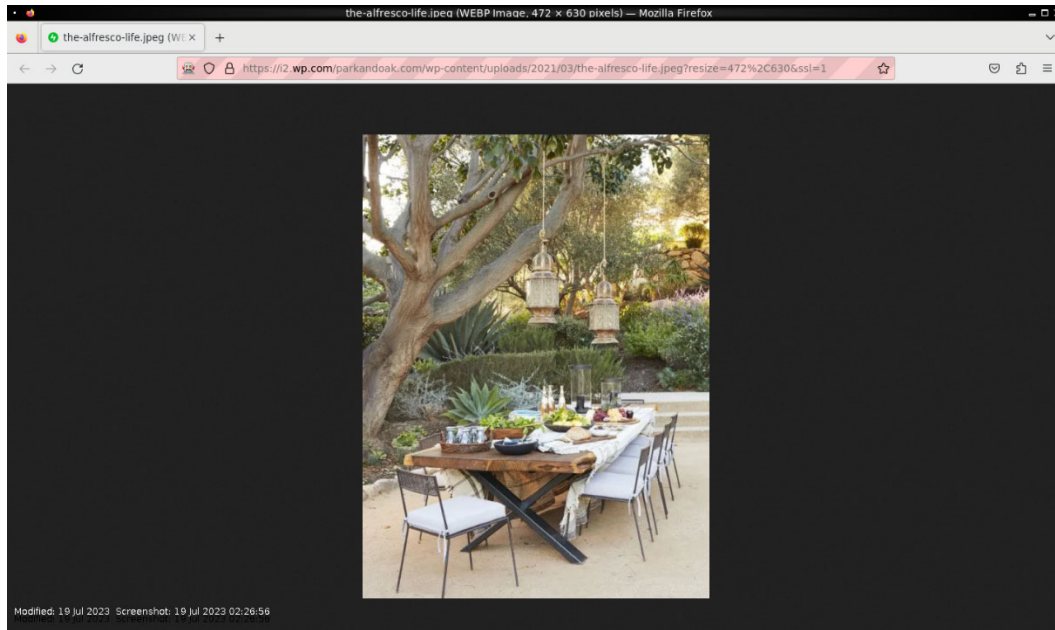




69. In January 2020 (prior to the above-referenced copyright registration of the Sixteenth Photograph), Defendant displayed and/or published the Sixteenth Photograph on its website (at <https://parkandoak.com/the-settee/>):

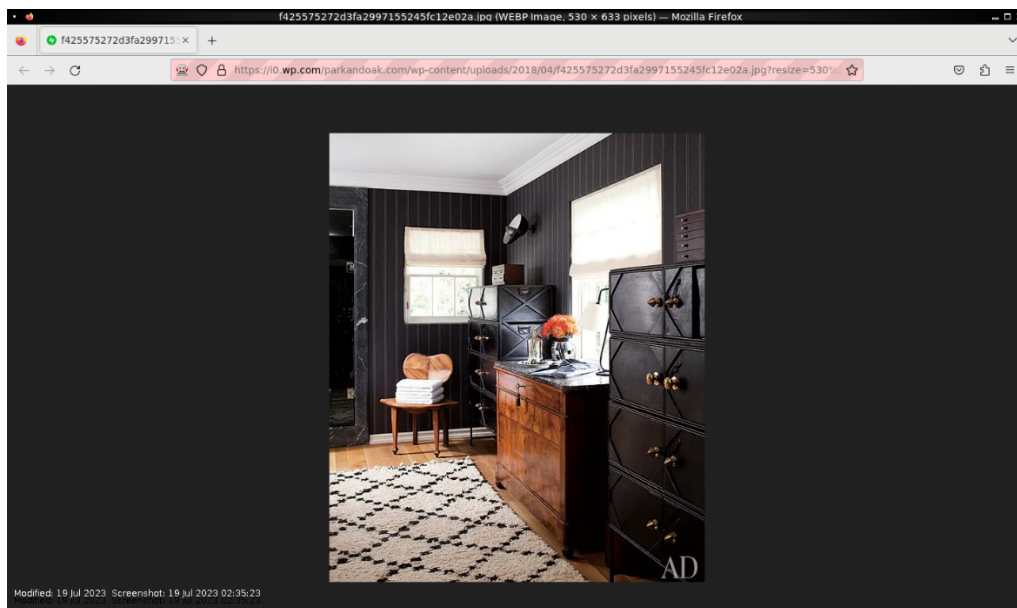


70. In March 2021 (prior to the above-referenced copyright registration of the Seventeenth Photograph), Defendant displayed and/or published the Seventeenth Photograph on its website (at <https://parkandoak.com/outdoor-series-accessories/>):



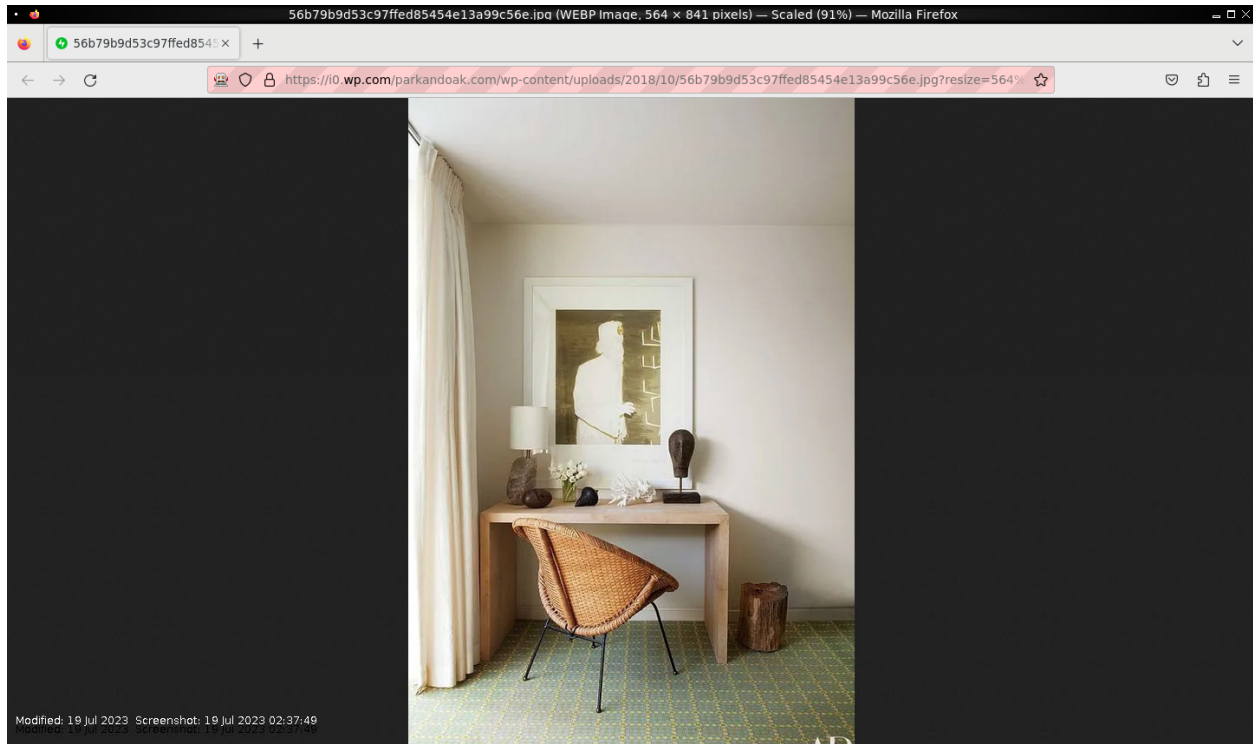
71. In April 2018 (prior to the above-referenced copyright registration of the Eighteenth

Photograph), Defendant displayed and/or published the Eighteenth Photograph on its website (at <https://parkandoak.com/tag/walk-in-closet/>):



72. In October 2018 (prior to the above-referenced copyright registration of the

Nineteenth Photograph), Defendant displayed and/or published the Nineteenth Photograph on its website (at <https://i0.wp.com/parkandoak.com/wp-content/uploads/2018/10/56b79b9d53c97ffed85454e13a99c56e.jpg?resize=564%2C841>):



73. A true and correct copy of the screenshots of Defendant's website, webpage, and/or social media, displaying the copyrighted Work, is attached hereto as **Exhibit "O."**

74. Defendant is not and has never been licensed to use or display the Work. Defendant never contacted Plaintiff to seek permission to use the Work in connection with its business or for any other purpose.

75. Defendant utilized the Work for commercial use.

76. Upon information and belief, Defendant located a copy of each photograph comprising the Work on the Internet and, rather than contact Plaintiff to secure a license, simply copied the Work for its own commercial use.

77. Through its ongoing diligent efforts to identify unauthorized use of its photographs, Plaintiff discovered Defendant's unauthorized use/display of: the First Photograph on February 25, 2022; the Second Photograph on July 19, 2023; the Third Photograph and the Fourth Photograph on February 25, 2022; the Fifth Photograph and the Sixth Photograph on February 16, 2022; the Seventh Photograph and the Eighth Photograph on July 18, 2023; the Ninth Photograph on February 16, 2022; the Tenth Photograph on February 23, 2022; the Eleventh Photograph on June 2, 2022; the Twelfth Photograph on May 6, 2023; the Thirteenth Photograph on February 16, 2022; the Fourteenth Photograph and the Fifteenth Photograph on February 19, 2022; the Sixteenth Photograph on May 22, 2023; the Seventeenth Photograph and the Eighteenth Photograph on February 16, 2022; and the Nineteenth Photograph on June 2, 2022. Following Plaintiff's discovery, Plaintiff notified Defendant in writing of such unauthorized use. To date, Plaintiff has been unable to negotiate a reasonable license for the past/existing infringement of the Work.

78. All conditions precedent to this action have been performed or have been waived.

COUNT I – COPYRIGHT INFRINGEMENT

79. Plaintiff re-alleges and incorporates paragraphs 1 through 78 as set forth above.

80. Each photograph comprising the Work is an original work of authorship, embodying copyrightable subject matter, that is subject to the full protection of the United States copyright laws (17 U.S.C. § 101 *et seq.*).

81. Mr. Wallander owns a valid copyright in the First Photograph, the Second Photograph, the Third Photograph, the Fourth Photograph, and the Fifth Photograph, having registered such photographs with the Register of Copyrights.

82. Mr. Waldron owns a valid copyright in the Sixth Photograph, the Seventh Photograph, and the Eighth Photograph, having registered such photographs with the Register of Copyrights.

83. Mr. Johnson owns a valid copyright in the Ninth Photograph, the Tenth Photograph, the Eleventh Photograph, and the Twelfth Photograph, having registered such photographs with the Register of Copyrights.

84. Mr. Piasecki owns a valid copyright in the Thirteenth Photograph, the Fourteenth Photograph, the Fifteenth Photograph, and the Sixteenth Photograph, having registered such photographs with the Register of Copyrights.

85. Mr. Davies owns a valid copyright in the Seventeenth Photograph, the Eighteenth Photograph, and the Nineteenth Photograph, having registered such photographs with the Register of Copyrights.

86. Plaintiff has standing to bring this lawsuit and assert the claim(s) herein as it has sufficient rights, title, and interest to such copyrights (as Plaintiff was conveyed certain exclusive rights to reproduce and distribute the Work by the subject photographer(s)).

87. As a result of Plaintiff's reproduction, distribution, and public display of the Work, Defendant had access to the Work prior to its own reproduction, distribution, and public display of the Work on Defendant's website, webpage, and/or social media.

88. Defendant reproduced, distributed, and publicly displayed the Work without authorization from Plaintiff.

89. By its actions, Defendant infringed and violated Plaintiff's exclusive rights in violation of the Copyright Act, 17 U.S.C. § 501. Defendant's infringement was either direct, vicarious, and/or contributory.

90. Plaintiff has been damaged as a direct and proximate result of Defendant's infringement.

91. Plaintiff is entitled to recover its actual damages resulting from Defendant's unauthorized use of the Work and, at Plaintiff's election (pursuant to 17 U.S.C. § 504(b), Plaintiff is entitled to recover damages based on a disgorgement of Defendant's profits from infringement of the Work, which amounts shall be proven at trial.

92. Pursuant to 17 U.S.C. § 505, Plaintiff is further entitled to recover its costs as a result of Defendants' conduct.

93. Defendant's conduct has caused, and any continued infringing conduct will continue to cause, irreparable injury to Plaintiff unless enjoined by the Court. Plaintiff has no adequate remedy at law. Pursuant to 17 U.S.C. § 502, Plaintiff is entitled to a permanent injunction prohibiting infringement of Plaintiff's exclusive rights under copyright law.

WHEREFORE, Plaintiff demands judgment against Defendant as follows:

- a. A declaration that Defendant has infringed Plaintiff's copyrights in the Work;
- b. An award of actual damages and disgorgement of profits as the Court deems proper;

- c. Awarding Plaintiff its costs pursuant to 17 U.S.C. § 505;
- d. Awarding Plaintiff interest, including prejudgment interest, on the foregoing amounts;
- e. Permanently enjoining Defendant, its employees, agents, officers, directors, attorneys, successors, affiliates, subsidiaries and assigns, and all those in active concert and participation with Defendant, from directly or indirectly infringing Plaintiff's copyrights or continuing to display, transfer, advertise, reproduce, or otherwise market any works derived or copied from the Work or to participate or assist in any such activity; and
- f. For such other relief as the Court deems just and proper.

Dated: February 12, 2025.

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